



## Returning to Work: Helping Mothers Navigate Workplace Barriers

Brenda Bandy, Executive Director, Kansas  
Breastfeeding Coalition



## Workplace/School Support Has a Major Impact

**Dirty Bathrooms, No Privacy: The  
Horrifying Struggles Of Breastfeeding  
Moms Who Need To Pump At Work**



- 4 out of 5 mothers start out breastfeeding, but less than half are still exclusively breastfeeding at 3 months
- The lack of break time and a private place to pump at school and in the workplace remains one of the main causes for the drop-off in breastfeeding rates



## Separation Doesn't Mean Weaning

- Simple, inexpensive accommodations can make continued breastfeeding possible
  - Time
  - Space
  - Milk Storage



## Legal Protections

- **Federal:**
  - Break Time for Nursing Mothers Provision
  - Title VII of the Civil Rights Act



## Federal Law: Break Time for Nursing Mothers

### • Required Accommodations:

- Reasonable unpaid break time
- A place that is:
  - not a bathroom
  - shielded from view and free from intrusion
  - functional for pumping breast milk
  - available each time it is needed

- These accommodations must be provided for 1 year after the child's birth



## Federal Law: Break Time for Nursing Mothers

- **Enforcing Agency:** [U.S. Department of Labor, Wage and Hour Division](https://www.dol.gov/wage)
- **Coverage:** Employees who are eligible for overtime pay under the [Fair Labor Standards Act](https://www.dol.gov/wage) when they work more than 40 hours are covered.
- **Small Businesses:** All employers covered by the FLSA, regardless of their size or number of employees, must comply. If a complaint is filed with the WHD by a breastfeeding employee and an investigation takes place, businesses with fewer than 50 employees that can demonstrate to WHD that accommodating the employee would cause an undue hardship on the business, may be able to bypass these requirements.

See DOL Break Time for Nursing Mothers webpage:  
<https://dol.gov/whd/nursingmothers/>



## Federal Law: Title VII of the Civil Rights Act

### Pregnancy Discrimination Act

- Sex discrimination on the basis of pregnancy, childbirth, and ***related medical conditions*** is prohibited
- Less favorable treatment of a lactating employee may be considered unlawful discrimination
- Breastfeeding employees must have the same freedom to address lactation-related needs that she and her co-workers would have to address other similarly limiting medical conditions



## Federal Law: Pregnancy Discrimination Act

- **Enforcing Agency:** The [U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/) (EEOC)
- **Coverage:** Businesses with 15 or more employees

See EEOC Enforcement Guidance on  
*Pregnancy Discrimination and Related Issues:*  
[www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)



## Protection for Breastfeeding students



- Title IX may be implicated if a student's ability to get an education is limited because there is no suitable space to pump.
- If other students are given access to private space, refrigerators, or electrical outlets to address non-pregnancy/childbirth-related medical conditions, breastfeeding students should be given the same special services to address lactation-related needs.

Problems? Contact "Pregnant Scholar"  
[www.thepregnantscholar.org/contactus/](http://www.thepregnantscholar.org/contactus/) or (415) 565-4873



## Potential Additional Protection for Breastfeeding students

### Section 504 accommodations:

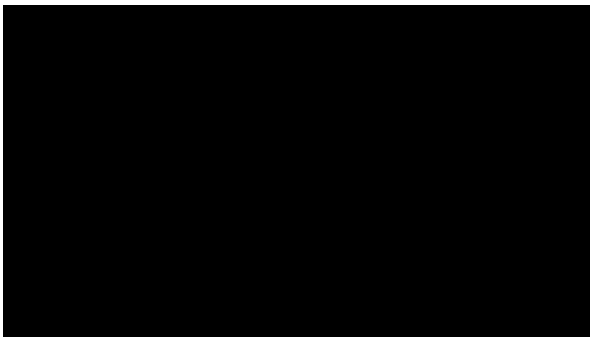
"districts possibly could provide accommodations for nursing mothers through a Section 504 Accommodation plan for a qualifying, temporary condition that is creating a barrier for a student to be able to be in school and receiving educational benefit. However, whether the student would qualify for Section 504 protections would depend on the circumstances, [...]"

**U.S. Dept. of Education, Office on Civil Rights** – "An uncomplicated pregnancy, by itself, does not constitute a physical impairment and therefore is not considered a disability under *Title II* or Section 504. Complications resulting from pregnancy may be impairments. Whether a student with a complication resulting from pregnancy is protected under Section 504 and *Title II* depends on whether the complication is an impairment that substantially limits a major life activity, or alternatively, whether the student has a record of or is regarded as having such impairment."

<https://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.html>



## Returning to Work - WIC



## Counseling Mothers Returning to Work:



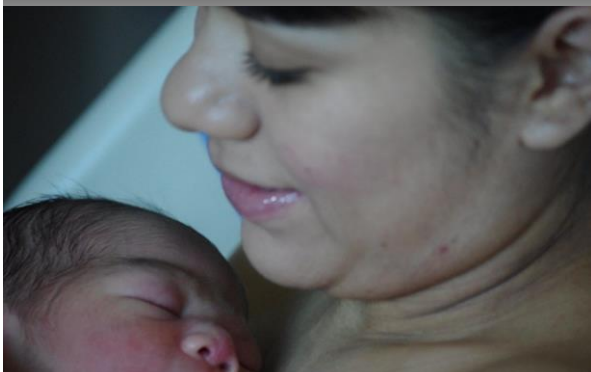
Magic Number



Feed More Often at Home



Breastfeed at Night



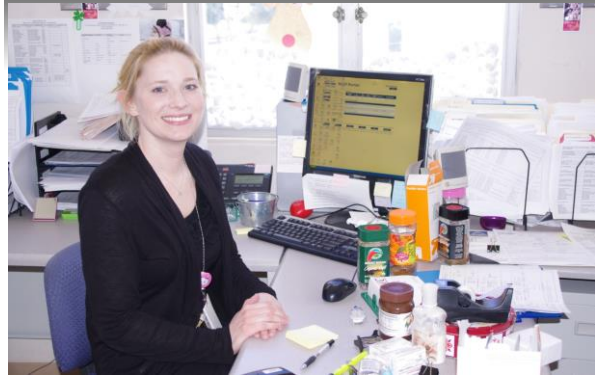
Some Is Better Than None!



Pumping Tips



Every 2-3 Hours



Get Organized



Relax and Think of Baby



Don't Focus on the Pump



Express Fully



Check Pump



Power Pumping





### Hands-On Pumping



### Get Help



*"You don't have to be a lawyer to help a mom!" Cheryl Lebedevitch, USBC*

## RESOURCES

<http://ksbreastfeeding.org/cause/business-case-for-breastfeeding/>



### Talking to Your Boss About Your Pump

Returning to work after having a child can be a big transition, especially if you are breastfeeding. As a nursing parent, you'll need break time and space for pumping breast milk at work, and possibly other changes or accommodations that will allow you to stay healthy and continue breastfeeding your baby while doing your job. This guide will help you make a plan to take care of your breastfeeding needs at work. It explains your legal protections and gives you practical tips for how to talk to your boss about breastfeeding accommodations.

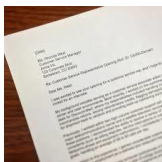
### PLANNING FOR YOUR BREASTFEEDING-RELATED NEEDS AT WORK:

- If you will be away from your baby during the workday, you'll need regular breast milk pumping breaks. Most nursing parents need 2-3 breaks during an 8-hour workday, depending on their baby's feeding schedule and their bodies' needs. Expressing breast milk typically takes 15-20 minutes per session, but sometimes longer, especially if taking



## Letters/Note Templates

- From healthcare provider –  
<https://www.pregnantatwork.org/wp-content/uploads/Breastfeeding-Workplace-Guide-for-Healthcare-providers.pdf>
- From employee -  
<http://www.kansasbusinesscase.com/sites/default/files/Letter-Employee-to-employer.doc>



**The BUSINESS CASE for BREASTFEEDING**  
 EMPLOYER GUIDE • BREASTFEEDING SUPPORT FORM

**Referral Form**  
 Breastfeeding Support in the Workplace

This form is intended for use after consulting with your breastfeeding support specialist to find a workplace solution to accommodate the breastfeeding employee's needs for milk expression in the workplace.

Referred by: "Send Back to Nursing Mother" at: <http://www.kansasbusinesscase.com/BCF2014>  
 Referred by: Pregnancy Discrimination Act: <http://www.dhs.gov/eis/volume-2014-02/Referral-Form-BCFB.pdf>

Employee Information:  
 Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Is your mother a "non-exempt (benefit)" employee? ☒ Yes ☐ No

Employer Information:  
 Name of business: \_\_\_\_\_  
 Contact person (preferably someone from Human Resources or owner): \_\_\_\_\_  
 Contact person's email: \_\_\_\_\_  
 Contact person's phone: \_\_\_\_\_

Breastfeeding Support Issue:  
☐ Time to express milk (describe): \_\_\_\_\_  
☐ Place for milk expression (describe): \_\_\_\_\_  
☐ Harassment/Retaliation (describe): \_\_\_\_\_

I hereby give permission for the Kansas Business Case for Breastfeeding to contact the person listed above on my behalf to act in the resolution of matters related to breastfeeding support in the workplace.

Signature of Employee/Former Employee \_\_\_\_\_ Date \_\_\_\_\_  
 Please send this form to Brenda Bandy, Kansas Business Case for Breastfeeding Program Director at [bbandy@ksbreastfeeding.org](mailto:bbandy@ksbreastfeeding.org) or 3001 Cherry Hill, Manhattan, KS 66503.

 Jan 2016

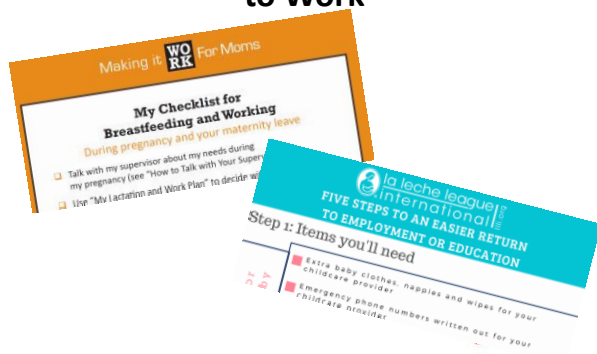
## Referral Form

- Anyone can refer families to KBC for additional assistance
- KBC staff will contact employer to advocate on behalf of employee

<http://ksbreastfeeding.org/wp-content/uploads/2014/02/Referral-Form-BCFB.pdf>



## Check Lists for Mothers Returning to Work



## Contact information:

Brenda Bandy  
 Kansas Breastfeeding Coalition  
[bbandy@ksbreastfeeding.org](mailto:bbandy@ksbreastfeeding.org)  
 (785) 477-4666

